

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

ANDREW X MATTHEWS, # 164899, AND ALL OTHERS
SIMILARLY SITUATED (MEMBERS OF THE NATION OF
~~ISLAM RELIGIOUS GROUP~~)
Full name and prison number
of plaintiff(s)

v.

RICHARD ALLEN

BILLY MITCHEM

CHARLES BAGGETT

Name of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)

RECEIVED

2006 JUL 17 A 9:44

CIVIL ACTION NO. 2:06cv00621
(To be supplied by Clerk of
U.S. District Court)

2:06cv00621-MHT
CSC

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court
dealing with the same or similar facts involved in this
action? YES () NO (x)

B. Have you begun other lawsuits in state or federal court
relating to your imprisonment? YES () NO (x)

C. If your answer to A or B is yes, describe each lawsuit
in the space below. (If there is more than one lawsuit,
describe the additional lawsuits on another piece of
paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if
state court, name the county) N/A

3. Docket number N/A
4. Name of judge to whom case was assigned N/A
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A
6. Approximate date of filing lawsuit N/A
7. Approximate date of disposition N/A

II. PLACE OF PRESENT CONFINEMENT LIMESTONE CORRECTIONAL FACILITY

PLACE OF INSTITUTION WHERE INCIDENT OCCURRED LIMESTONE
CORRECTIONAL FACILITY

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME

ADDRESS

1. RICHARD ALLEN, 301 SOUTH RIPLEY STREET, MONTGOMERY, ALABAMA 36130
2. BILLY MITCHEM, 28779 NICK DAVIS ROAD, HARVEST, ALABAMA 35749
3. CHARLES BAGGETT, 28779 NICK DAVIS ROAD, HARVEST, ALABAMA 35749
4. _____
5. _____
6. _____

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED BEGINNING IN
EARLY 2005 UNTIL PRESENT (STILL ONGOING)

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: (VIOLATION OF THE FIRST AMENDMENT) DENIAL OF THE
FREEDOM TO WORSHIP GOD (SEE ATTACHED SHEETS)

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

(SEE ATTACHED SHEETS)

GROUND TWO: DENIAL OF THE FOURTEENH AMENDMENT - -

EQUAL PROTECTION AGAINST DISCRIMINATION (RELIGIOUS AND RACE)

SUPPORTING FACTS: (SEE ATTACHED SHEETS)

GROUND THREE: _____

SUPPORTING FACTS: _____

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

SEE ATTACHED SHEETS

Andrew Matthews #164899
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true
and correct.

EXECUTED on 7-13-06
(Date)

Andrew Matthews
Signature of plaintiff(s)

VIOLATION OF THE FIRST AMENDMENT
DENIAL OF THE FREEDOM TO WORSHIP GOD

I, Andrew X Matthews, the Plaintiff, and all others similarly situated (Members of the Nation of Islam) have been Denied the Freedom to Worship God in an adequate and "sufficient time frame" by the Chaplain at Limestone Correctional Facility, Charles Baggett. Chaplain Charles Baggett has overtly and openly carried out unfair, bias and discriminative practices toward me and the Nation of Islam (NOI) Religious Group. The Nation of Islam, at Limestone Correctional Facility, consists of the persons that follow the Spiritual Teachings and Guidance of the Most Honorable Elijah Muhammad, as taught by His National Representative, the Honorable Minister Louis Farrakhan.

Chaplain Charles Baggett has Denied me, the Plaintiff (and Members of the NOI) the Freedom to peacefully assemble and properly and efficiently Worship God by adequately practicing and fulfilling our Religious obligations, Beliefs, Rituals and Traditions, as Muslims and as Members of the (NOI).

Chaplain Charles Baggett has Denied me (and Members of the NOI) as follows:

a) Chaplain Baggett has failed to provide us (NOI) the "sufficient amount of time" for (NOI) Services/Classes so that we can pray, have Ministry Classes, conduct Spiritual Self-Improvement Study Guide Classes, and watch Religious Video's (Sermons) of our Spiritual Teacher and Guide, the Honorable Elijah Muhammad ~~and~~ Minister Louis Farrakhan, during (NOI) Services;

b) The (NOI) is only permitted One (1) hour, One (1) Day

per week, to conduct (NOI) Services/Classes - - Friday from 3:30-4:30 PM;¹

c) However, Chaplain Baggett permits all Christian Religious Groups (1½-2) hours and longer, for each of their Services, several days per week to conduct their Services/Classes;

d) Chaplain Baggett permits the Beacon College Christian Study Group Members four (4) hours, twice a month, every other Sunday, to, collectively, in a group setting, to study and conduct their Classes and to watch Video's, in a group setting;

e) Also, Chaplain Baggett allows the Native American Religious Group Three (3) hours, every day of the week, to conduct their Services and carry out their Religious practices and traditions. Furthermore, Chaplain Baggett has unfairly targeted ~~the~~ Nation of Islam with malicious and discriminative treatment and bias acts. Chaplain Baggett has repeatedly disrupted and interfered with (NOI) Services by instructing us (Members of the NOI) that we could not have any expressions of Singing, expressions of Poetic's (Poems) or any expressions of Positive Rapp Expressions, during (NOI) Services, in the Chapel. It must be noted that such God-given talents of expressions are a normal part of the (NOI) Religious Services - - Famous Recording Artist's Kayne West, Ms. Erika Buhdu, Ms. Mya Angelo (Poetress) and Rapper "DA SMART" all perform, regularly, at (NOI) Mosque Maryam, where Minister Farrakhan serves as Minister. Also, Minister Farrakhan highly encourages

¹ In May 2006, the Nation of Islam was given an additional One (1) hour, per week, for (NOI) Services. Presently, the (NOI) has one(1) hour on Monday 4:00-5:00PM and one (1) hour Friday 3:30-4:30.

us, as his followers, to work toward developing and enhancing and expressing our God-given talents.

f) Also, Chaplain Baggett has disrupted and stopped us, (Members of the NOI) from watching Religious Video's (Sermons) of Minister Louis Farrakhan, during (NOI) Services. As members of the (NOI), we had been permitted, just as all other (NOI) Religious Groups at all other Alabama prisons, to watch religious videos of our Spiritual Leader, Minister Farrakhan, during our (NOI) Services but Chaplain Baggett has maliciously and unfairly, without legitimate cause, discontinued us from this act of Religious Freedom. This unjust Denial of my (and members of the NOI) being able to watch and listen to Minister Farrakhan Spiritual message, during our (Nation of Islam) Services is considered to us - - an act of malice and, moreso, we consider it to be Cruel and Unusual punishment. This denial, by Chaplain Baggett, has caused there to become a tremendous Spiritual void and gap between me (and members of the NOI) and our Spiritual Counselor and Guide, Minister Farrakhan. The Spiritual void & gap exists because the defendant no longer permits us to receive our Spiritual food (message) and information from the religious sermons (video's.) If Minister Farrakhan is the Head of and Senior Minister in the Nation of Islam, certainly we should be permitted to watch his religious sermons (video's) during (NOI) Services;

g) Chaplain Baggett has also maliciously stopped us (Members of the NOI) from wearing our "bow-ties", during (NOI) Services.

Our "bow-ties" signifies that we are "Servants" of Almighty God, and "Servants" of Our People. On or near July 7, 2006, me and other members of the (NOI) were wearing our Religious Madalions (Star & Crescent) and Chaplain Baggett informed COI Lyons, to instruct members of the (NOI) that we could not wear our Religious Madalions either;

h) Chaplain Baggett openly disrespects and violates the Standards that govern the Holy Month of Fasting (RAMADAN) for Muslims. The Alabama Department of Corrections ADMINISTRATIVE REGULATION NO: 333 clearly states that in order for any person to participate in the Ramadan Fast, that persons name must be submitted on either of the two (2) approved fasting list - the (NOI) Fasting List or the Sunni Muslims Fasting List. These two (2) Roster's are the only roster's that is authorized by the department for fasting. However, during October 2005, the last Ramadan observed, Chaplain Baggett allowed numerous others groups to submit names for fasting and he (Baggett) allowed these individuals to fast without conferring with either the Sunni Muslims Representatives or without conferring with any (NOI) Representative regarding these individuals. Any person has the Right to be allowed to Fast if they meet the required Islamic standards. Chaplain Baggett readily added names to the Ramadan list without following the department guidelines for doing so. This malicious and erroneous act was a deliberate attempt by Chaplain Baggett to cause conflict and create chaos and confusion during this Sacred Observance for the Muslim Religious month. During the

Christian Religious Retreat (Kiara's), which is observed several times per year, Chaplain Baggett very stricly screens and personally interviews every person that requests to be apart of this Christian Observance - - yet he does not respect the Muslims and our Faith to not only demonstrate the same or equal fairness, but he even fails to follow the department's Administrative Rules that governs fastings.

Beginning in 2005, the Natin of Islam has repeatedly tried to show Chaplain Baggett that one (1) hour per week was "insufficient time" for us to carry out all of our religious obligations and ~~the~~ time is not in congruency and fairness with the time periods that other Religious Groups are receving. Chaplain Baggett adamantly stated that the (NOI would not be given any additional time and he (Baggett) refused to discuss the possibility or that topic anymore. Chaplain Baggett has openly refused to give us, the (NOI) fair, equal or even time that is compatable with the time he gives Christian Religious Groups and the time he permits for the Native American Religious Group; Chaplain Baggett has refused to allow us (NOI) to watch Religious Video's during (NOI) Services; he has refused to permit us (NOI) from expressions of performing Songs, Poems, Positive Rapp, ect., during (NOI) Services; he has refused to allow us (NOI) to wear our "bow-ties" or our Religious Madalion's during (NOI) Services; and he has refused the (NOI) access to Chapel equipment that is located in the Chapel and for all religious groups use.

Every effort that we (members of the NOI) have put forth

to get these unfair, unjust and discriminative practices addressed or changed has not *helped*. In our (NOI) attempt to have these injustices addressed and corrected, we addressed several Religious Complaints and letters to Prison Commissioner Richard Allen, Department of Corrections Attorney Charles Crook as well as sent countless letters, Requests, and Memorandums to Warden Billy Mitchem.

On October 3, 2005, the Nation of Islam (NOI) submitted to Warden Billy Mitchem a Memorandum - Subject: FOURTH REQUEST TO MEET WITH THE WARDEN. In spite of our (NOI) sending several Complaints to Warden Mitchem since early 2005, until the present date, Warden Mitchem has "absolutely failed to act and has failed to respond".

On April 27, 2006, the (NOI) addressed an "OFFICIAL COMPLAINT TO THE COMMISSIONER (Richard Allen) detailing and informing the Commissioner of the many discriminative practices and acts of wrongdoings that were being carried out by Chaplain Baggett and that were being allowed to continuously exist by Warden Billy Mitchem. Chaplain Bagget and Warden Mitchem, it must be noted, eat lunch every day together and such a cordial and personal relationship has prevented justice, fairness and departmental regulations to be carried out and enforced.

Also, again, on June 5, 2006, the (NOI) submitted an "AMENDMENT TO OFFICIAL COMPLAINT TO THE COMMISSIONER, DATED 27 APRIL 2006", to Commissioner Allen clearly informing him, again, that the discriminative practices continues to exist at

Limestone Correctional Facility. As of the filing of this Civil Complaint, on this date, Commissioner Allen has "failed to act" or to put an end to the unfair, unjust and discriminative practices that are being continuously committed against myself, the Plaintiff, (and members of the NOI), by Chaplain Charles Baggett and Warden Billy Mitchem.

The Denial of my (and members of the NOI) Freedom to Worship God, in an adequate, efficient manner, and in a sufficient time period, (as other Religious Groups are), due to the erroneous and unfair practices of the defendants, have tremendously damaged me (and members of the NOI) and has caused us depression, discouragement, discontentment and humiliation. Additionally, such erroneous practices and misdeeds of these defendants have Denied me the Spiritual fulfillment of praying, unitedly, with those in the (NOI) and with those of my Religious Faith. The defendants acts of violations have Denied me the Spiritual expression of studying, unitedly, and sharing in the Ministry & Spiritual Self Improvement Study Guide Classes; and the misconduct of the defendants have Denied me (and members of the NOI) the Spiritual Counseling and Guidance we receive from our Spiritual Leader and Teacher, through watching and listening to his (Minister Farrakhan) religious sermons (video's), during (NOI) Religious Services.

Defendants Charles Baggett and Billy Mitchem and Richard Allen have all Denied me (and members of the NOI) from properly and efficiently worshipping God in the required manner, by being given ample time to do so, as others are.

Based upon the erroneous practices, policies and procedures being implemented, by the defendants, my (and members of the NOI) First Amendment Right of Freedom to Worship God has been and continues to be violated.

The misconduct and unlawful acts, by the defendants, not only are in violation of the United States Constitution, but their malicious, careless and erroneous practices clearly disobey's and clearly violates numerous Decree's that have, already, been established by the Courts.

DENIAL OF THE FOURTEENTH AMENDMENT
EQUAL PROTECTION AGAINST DISCRIMINATION
(RELIGIOUS AND RACIAL)

Chaplain Charles Baggett and Warden Billy Mitchem have Denied me, the Plaintiff, Andrew X Matthews, and all others similarly situated (Members of the Nation of Islam NOI), at Limestone Correctional Facility, Equal Protection and Equal Treatment, but instead have overtly and directly discriminated against us. Prison Commissioner Richard Allen has allowed this discrimination, which consists of Religious and Racial discrimination, to unjustly occur and has permitted such discrimination to continue to exist, against myself and all others similarly situated (Members of the NOI) , after being fully informed that such wrongdoings and Civil violations were being practiced by his subordinates, Mitchem and Baggett. On numerous occasions, including April 27, 2006 and June 5, 2006, myself and other members of the Nation of Islam wrote letters and sent supporting documents to Commissioner Allen regarding our being discriminated against and mistreated by Mitchem and Baggett. However, defendant Allen has shown only deliberate indifference, to our Complaints, by "failing to act" and therefore has allowed such discriminative acts to continually exist at Limestone. The defendants, Baggett, Mitchem and Allen have, unlawfully, abused their power and intentionally discriminated against me, the Plaintiff and (Members of the NOI), by carrying out acts of wrongdoings, discriminative & unequal practices and by implementing policies, procedures and measures that are oppressive and that are contrary and in opposition to the law and to the practices that are ongoing at other Alabama prisons.

At Limestone, Christian Religious groups are cordially allowed

to consistently assemble, regularly, and even daily, in a "sufficient time manner, (1½-2) hours and longer, per Service/Classes, to worship, practice whatever Religious requirements, obligations they may have, including watching Religious Video's during their Classes/Services, in a group setting, without undue harassment from Chaplain Baggett. Christian Religious Groups are allowed by Baggett & Mitchem, access to religious materials, publication and religious video's as well as regular visits from an "unlimited number" of Christian Freeworld Sponsors and guests. Christian Freeworld Sponsors are always allowed immediate entry into the prison, without delay, intimidation and undue harassment. But to the contrary, (NOI) Religious Sponsor(s) are "always" harassed, intimidated and forced to wait lengthy periods of time prior to being allowed entry into the prison. On several occasions, our (NOI) Freeworld Sponsor has even been "DENIED" entry and told that (NOI) Services were not being held on that date, which was untrue. Furthermore, from early 2005 to mid 2006, our (NOI) Free World Sponsor was unjustly and unfairly, "barred" and disallowed, by Mitchem and Baggett, from visiting and counseling us (NOI) for a period of more than a year. Chaplain Baggett and Warden Billy Mitchem did not agree with the contents nor did they agree with how our (NOI) Sponsor delivered his Sermon - yet there was absolutely nothing said to cause any security concerns. This unjust and wrongful act, by the defendants, also had racial overtones, and this act was in violation of my and our Freedom of Religion (expression). Also, one cannot expect the message (sermon) of a (NOI) Minister to be that of a Christian Minister, both have varying Belief systems. That is why we, as Muslims, and that is why all people have free-

dom of Religion - - therefore, allowing us all to attend the Church or Religious Service of our choosing.

Warden Billy Mitchem and Chaplain Baggett has disrupted, and interfered with what goes on during Nation of Islam Services - - dictating what we (Members of the Nation of Islam) can and cannot do. Yet, neither of these individuals are members of the Islamic Faith or members of the Nation of Islam. Most importantly, neither of these individuals (Officials) commit such disruption or interference during Christian Services - - they never tell the Christians what they can and cannot do. Warden Mitchem and Chaplain Baggett has interfered and informed us (Members of the Nation of Islam) that we can not watch any religious video's (Sermons) of Minister Louis Farrakhan during our (Nation of Islam) Services. Additionally, these two (2) officials, Mitchem & Baggett, has told us (NOI) that we can not have any Singing, Positive Poetic Expressions, nor any Positive Rapp Expressions during Nation of Islam Services. Yet, in the Nation of Islam, Kayne West, Erika Badu, Stephanie Mills, RAPPER "DA SMART", are all regular attendee's and performers at Mosque Maryan, where Minister Louis Farrakhan is the Minister. Such acts of singing and a variety of expressions are the norm in the Nation of Islam, but these prison officials openly display rancor, racism and hate when decisions are made regarding the Nation of Islam at Limestone Correctional Facility. It must be noted, that all Members of the Nation of Islam (including myself, the Plaintiff) are Black, and the alleged violators of our Rights, Baggett, Mitchem, are all White, including Allen.

Therefore, not only does the unfair, unjust and erroneous practices displayed by Warden Billy Mitchem and Chaplain Charles Baggett constitute religious discrimination, but, equally important, their actions, also, constitute racial discrimination.

In early May 2006, Chaplain Baggett informed me (and other members of the NOI) that we could not wear our "bow-ties" during (NOI) Services any longer. In the Nation of Islam we wear our "Bow-ties", during our Services, because it signifies that we are "Servants" of Almighty God, and we are "Servants" of our People. However, Chaplain Baggett did instruct us that we could wear our Islamic Madalions (STAR & CRESANT) During our Services. But suddenly, in early July 2006, Chaplain Baggett recanted his word and then told us we (Members of the NOI) could no longer wear our Religious Madalions during our (NOI) Services. To deny us (Members of the NOI) from wearing our Religious Madalions but continue to allow the Christian's wear their cross anytime they desire; to allow the Members of the Jewish Faith to wear their Star of David (); and to allow the Native Americans to wear their Medicine/Spirit (Gear) but yet Deny the Nation of Islam from wearing their Religious Madalions/ or Bow-ties - - is blatant discrimination and unequal practices. To selectively choose certain Religious Groups to display/wear their Religious Symbols and depry another Religious Group the same religious expressions or religious freedom is, indeed, unjust and unfair and violates the Constitution, which guarantees me equal treatment and protection against discrimination.

Furthermore, the Nation of Islam Religious Study Groups at Bullock, Elmore, Ventress, Atmore, West Jefferson, Easterling, Staton and several other Alabama prisons, all are allowed and permitted to watch Religious Video's of Minister Louis Farrakhan, during Nation of Islam Services. Also, Nation of Islam members are allowd to conduct Religious Services, at these facilities, for "sufficient amounts of time, (at least 1½-2) hours per Service, several days per week. Yet, at Limestone Correctional Facility, the Nation of Islam is grossly discriminated against and unfairly and unjustly treated by defendant's Mitchem and Bagget. Whereas, Members of the Christian Faith are permitted "sufficient time" to conduct all their Services (1½-2) hours, per Service, and often times their Services last longer. The Native American are given "sufficient time" to worship and observe their faith also. Additionally, Christian Religious Groups are permitted to watch Christian Religious Video's during their Services and during their Ministry Study Classes, in groups settings. Yet, contrary to these Religious Groups, the Nation of Islam is only permitted One (1) hour¹ per week (Fridays 3:30-4:30PM) to pray, worship and conduct all their religious obligations. The (NOI) is not permitted, as others are, to watch religious videos during (NOI) Services.

¹ In May 2006, the Nation of Islam was given (1) additional hour, per week to conduct their Religious Services at Limestone. Now the (NOI) has Religious time on Monday 4:00-5:00PM, and Friday 3:30-4:30 PM.

Therefore, the Nation of Islam is being unfairly targeted for discrimination and is being unequally treated as ^{opposed to} other Religious Groups at Limestone Correctional Facility, by Warden Billy Mitchem and Chaplain Charles Baggett. Equally unjust and unfair is the fact that Prison Commissioner Richard Allen has been made fully aware, by me, that these unfair practices exist, but defendant Allen has failed to end these erroneous practices of misconduct.

These unequal, unfair and overt discriminative practices have tremendously damaged me, emotionally, spiritually, mentally and morally. Such unfairness has, equally, damaged all other members of the Nation of Islam at Limestone and has caused us, all, depression, rejection, defeat and an outright denial of fairness, equality and justice, all of which the U.S. Constitution fully guarantees.

STATEMENT OF CLAIM

1. Limestone Correctional Facility is an isolated prison, located in the city of Harvest, Alabama, Limestone County, Alabama, that houses approximately (2200) Minimum and Medium Custody men.
2. Richard Allen is the Commissioner of the Alabama Department of Corrections, in Montgomery, Alabama; Billy Mitchem is the Warden at the Limestone Facility; and Charles Baggett is the Chaplain at Limestone Correctional Facility.
3. The facility has a Main Chapel and an Auxillary Chapel, both are located, adjacently, in the prison gymnasium.
4. The Chapel has approximately (4-6) 25 inch color television sets with built in VCR's, as well as several DVD players. Also, the Chapel has two (2) approximately (9") inch TV Monitors (with built in VCR) that comes with one (1) headset. Only one (1) person, at a time, can view these (2) Monitors due to the Monitor's only having one (1) headset accomodation. Also, these two (2) Monitors are only available for use by inmates on Tuesday, Wednesday and Thursday from 1:00 PM until 3:00 PM. An inmate can only view these TV Monitors/VCR for one (1) hour each. Which means that only four (4) inmates, from throughout the entire prison,, can use these TV Monitors/VCR, per day, or approximately twelve (12) per week, or approximately forty-eight (48) inmates per week. Also, these TV Monitors are on a "first come-first serve" basis, which means that the same people can watch it everyday if they are the first one in line. Clearly, these (2) TV Monitors cannot accomodate this entire prison, and the TV Monitors were placed in the Chaple to prevent me and members of the NOI from watching religious video's (Sermons) of Minister Farrakhan during NOI Services. The (4-6) 25" inch color televisions with built

in VCR's, that are located in the Chapel, unfortunately, are "exclusively" used, daily, by the Chaplain's four (4) Inmate Runners, or the television are used for special use by certain Christian Grups, such as the Beacon College Christian Study Group and others, based upon the decretion of Chaplain Charles Baggett. Even though the Chapel is closed daily on weekends, and Chaplain Baggett is not in the institution, his (4) Runners ~~have~~ access to the Chapel and their personal use of all Chapel equipment, because they are permitted to do so by both Chaplain Baggett and Warden Mitchem. The four (4) Chapel Runners gain access to the Chapel by their opening the "Combination Lock" that is on the Chapel two (2) doors.

5. The Nation of Islam has "repeatedly" requested to use just one (1) of these (4-6) 25" inch television sets, to watch a religious video (Sermon) of our Spiritual Leader, Minister Louis Farrakhan, during (NOI) Services. However, all our Requests to both Chaplain Baggett and Warden Mitchem have been adamantly Denied.

6. Even though the Nation of Islam is being Denied to watch religious video's, during (NOI) Services, at Limestone, however, the Nation of Islam Religious Groups at Bullock, Atmore, Ventress, Draper, Staton, Easterling, St. Clair and other Alabama prisons are permitted to watch religious video's of our Spiritual leader, Minister Farrakhan, during (NOI) Services.

7. At Limestone Correctional Facility, all Christian Services are allowed to last (1½-2) hours (consistently) and longer - this includes Catholic, baptist, Metholist, Jehovah Witnesses, ect.

8. Native American Religious Services/Observances are allowed everyday for three (3) hours and longer. During these (3) hours, Native American Religious Group members are allowed to properly worship God and practice their Religious Beliefs and Rituals.

9. Contrary to the times that are allowed all other Religious Groups to worship and observe their religious practices/traditions, at Limestone, the Nation of Islam (NOI) is only permitted one (1) hour per week, by Chaplain Baggett and Warden Mitchem.¹ The Nation of Islam is allowed one (1) hour to conduct whatever religious desires they may have on Fridays from 3:30-4:30 PM. This one (1) hour that is allowed the NOI is absolutely "insufficient time" for us to make Salat (pray), conduct Ministry Classes and carry out other required religious obligations. Normally, on Fridays', the (NOI) Freeworld Sponsor from Huntsville comes in and speaks, therefore the (NOI) has no additional times, as do all other Religious groups at Limestone, to adequately and properly carry out the requirements of our Faith.

10. These times that the Christian Religious Groups and the Native American Religious Group receive from Chaplain Baggett is totally unfair, unequal and is considerably much more than that extended to the Nation of Islam Religious Group.

¹ In May 2006, the Nation of Islam was given an additional one (1) hour, per week, for (NOI) Services. Presently, the (NOI) has one (1) hour on Monday 4:00-5:00PM and one (1) hour on Friday 3:30-4:30 PM.

11. The Holy Month of Ramadan, the month of Fasting, for Muslims, is one of the most sacred months of the year in the Islamic Faith. Muslims are required to spend this month in fasting. This month (Ramadan) of fasting is observed at every Alabama prison, including Limestone, and according to ALABAMA DOC ADMINISTRATIVE REGULATION NO. 333, the (Nation of Islam) and the Sunni Islamic Community are the only two (2) Islamic Religious Groups that are permitted to submit a Fasting Roster (names of those fasting). Any other Islamic Group or any other individual, must, according to this ADMINISTRATIVE REGULATION, have their names placed on either the (NOI) Fasting List or the Sunni Fasting List. This REGULATION is recognized and adhered to by prison officials at all Alabama prisons except at Limestone, by Chaplain Baggett. At Limestone, the policies and procedures of defendant Baggett allows any one, Muslim or non-Muslim, to submit their names for fasting to the Chaplain's office, and Chaplain Baggett places this person's name on the Muslims fasting list without conferring with either (Minister's or Leaders) of the two (2) muslim groups that are approved to submit the lists. This act is an intentional and malicious method, by prison Chaplain Baggett, to create chaos and provoke problems and confusion, for the Muslims, during their sacred month of Ramadan. Many individuals whose name Chaplain Baggett places on the fasting list does not meet the requirements and standards nor are they willing to conform to those sacred requirements/standards which in turn, causes unnecessary and unneeded problems.

12. The Christian Faith has a Religious Celebration/Observance, similar to Ramadan, that is called Kiara's. However Kiara's is celebrated several times per year, whereas Ramadan is observed only one time a year. Chaplain Baggett will not allow any inmate, who simply desires, to participate in Kiara's - - an inmate must be evaluated, interviewed, analyzed and then perhaps approved by Chaplain Baggett prior to attending this Christian Observance called Kiara's. Yet, on the other hand, Chaplain Baggett will not demonstrate the same respectful policies when it pertains to the Muslim Observance. Chaplain Baggett will permit and add any inmate name to the Muslim Fasting List. Such inappropriate and unfair conduct, by Chaplain Baggett, clearly reveals his lack of respect, interest and concern toward the Islamic Faith and the success of all Religious groups alike. But Chaplain Baggett actions proves his discriminative behavior and his extreme indifference for the Muslim Faith.

13. Our (NOI) Freeworld Religious Sponsor, from Huntsville, who visits us weekly is always harassed, intimidated and delayed, by prison officials, prior to him being permitted to enter the prison facility. More times than not, our Religious Group (NOI) Sponsor is delayed and forced to stay up-front (Administration Building) for lengthy and unnecessary periods of time. Also, when our Religious Sponsor bring us Nation of Islam Religious Publications (Final Call Newspapers), the Publications are confiscated by prison officials and it may take us, (NOI) Religious Group Members, several days to receive the Publications. Such confiscation of Christian literature never occurs and

Christian literature is brought into Limestone daily by a number of Christian Religious Sponsors and immediately passed out to the members of the Christian faith, without delay.

13. Christian Services are announced in the Limestone Prison Dormitories everyday on time so that inmates can properly be reminded and allowed to attend. To the contrary, Nation of Islam Services is not announced in the Dorms as is the Christian Services and inmates that desire to attend Nation of Islam Services are harassed, delayed, hindered and often times DENIED the Right to attend Nation of Islam Services, and the inmate(s) are forced to "remain" in the dorms. Again, (NOI) Services in not announced, in the dorms, and in spite of us (NOI) Officials writing numerous Memorandums/Requests to Warden Billy Mitchem and in spite of our repeatedly informing Chaplain Baggett of this unfair act - - our (NOI) Services continues to not be announced in the dorms and the inmates continues to be intentionally denied and hindered in their efforts to attend (NOI) Services.

14. Chaplain Charles Baggett and Warden Billy Mitchem, both, are very "anti" Nation of Islam and very "pro" Christianity. The Department of Corrections ADMINISTRATIVE REGULATION NO: 333 states that the Chaplain at each facility is a "non-denominational" Chaplain and their treatment of all Religious Faith must be fair and equal. This regulation is not being followed by Chaplain Baggett, nor is this regulation being enforced by Warden Mitchem and Commissioner Allen.

15. The Nation of Islam, at Limestone, has "repeatedly" advised

Warden Billy Mitchem and brought our Complaints to him, in writing, countless of times, yet Warden Mitchem knows that the violations are occurring and he is actively allowing these unjust, unfair, and oppressive acts to exist and in spite of our pleas for fairness - - Warden Mitchem has turned a deaf ear and has not acted. Prison Commissioner Richard Allen has received several Religious Complaints from the Nation of Islam at Limestone, dated April 27, 2006 and June 5, 2006, but Commissioner Allen has "failed to act" and he has not moved to end or correct these violations.

16. Chaplain Baggett and Warden Billy Mitchem are "best friends" and they, both, leave the prison each day together and eat lunch. Therefore, no help or intervention into these violations can be expected OR corrected by Warden Mitchem. Furthermore, no such assistance or intervention into ending these overt violations have been interjected by Prison Commissioner Allen and he continues to fail to act.

17. Therefore, my self, and members of the Nation of Islam, at Limestone Correctional Facility, have no other recourse except to seek the intervention and to seek Relief from the U.S. Courts. Therefore, on this date, I, Andrew X Matthews, submit this Civil Complaint on behalf of myself and all others similarly situated (Members of the Nation of Islam).

VI
RELIEF

(STATE FBRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU)

Due to the "continuous" and overt discrimination, harassment and undue biased treatment rendered against myself, the Plaintiff, and all others similarly situated (Members of the Nation of Islam), at Limestone Correctional Facility, by Chaplain Charles Baggett, Warden Billy Mitchem and Commissioner Richard Allen, I, the Plaintiff, humbly Request that this Honorable Court ORDER the following actions and measures and any other just measures this Court deem appropriate and fair:

ORDER :

- a) Immediate changes that ends discrimination and provides "equal protection/treatment" to all Religious Faiths - allowing equal time to Worship God and practice religious obligations and requirements;
- b) Additional Time be given to the Nation of Islam Religious Group for its Ministry, Self-Improvement Study Guide Classes; ensure that the time is compatable to and equal to the same time that is extended to Christian and other Religious Groups;
- c) Grant Permission that the Nation of Islam Religious Group be allowed to conduct their (NOI) Services in accord to the Nation of Islam Religious Protochol, whereas allowing, if desired, Singing, Poetic & Postive Rapp Expressions and the use of Chapel equipment that is located in the institution Chapel;
- d) Grant Permission to allow the Nation of Islam to maintain all Nation of Islam Property (Nation Flag, Tapes, Cassette, Video's

of Minister Farrakhan) in the lockers that are located in the Chapel. These said lockers are provided to the (NOI) by the Chaplain for Nation Property. (HOWEVER ALL NATION PROPERTY HAS AND CONTINUES TO BE CONTROLLED AND MAINTAINED BY THE CHAPELAIN'S FOUR (4) INMATE RUNNERS;

- e) Grant permission to allow the Nation of Islam to watch Religious Video's (Sermons) of our Spiritual Teacher & Guide, the Honorable Minister Louis Farrakhan, during Nation of Islam Services;
- f) That the (NOI) be allowed to Order Holy Quran's, Prayer Rugs and Prayer Oils upon request - - rather than just (2) times per year as Chpalin Baggett now permitts; This old policy used by Chaplain Baggett prohibits us from having prayer rugs and Holy Qurans which are essential to our faith;
- g) Due to the long history of wrongdoings by Chaplain Baggett, including financial corruption, remove Chaplain Charles Baggett from the position of Chaplain due to his ongoing violations;
- h) ~~Order~~ the Alabama Department of Correction to "hire" and employ at least one (1) Chaplain of the Islamic Faith so that all Religious Faith's will be properly represented and properly understood in a prison system that has over 28,000 inmates and a system that has at least (15-20) Christian Chaplains - - There are no Islamic Chaplain's in the Alabama prison system, *in spite of* the huge numbers of inmates that subscribe to the Islamic Faith;
- i) Order that an Inmate Muslim ClerK (Runner) be assigned to the Limestone Correctional Facility Chapel along with the (4) Chris-

- tian (Runners) that are presently assigned - - We desire equal representation by adding at least (1) Muslim (Runner);
- j) Reprimand and Demote, in pay grade and position, Warden Billy Mitchem for allowing, permitting and being an active agent in discrimination, civil violations and other wrongful acts against myself, the Plaintiff, and other members of the Nation of Islam;
- k) Place a Restraining Oder that prevents any "retaliation" measures by the Department of Corrections officials or its employee's - - by preventing the Corrections agency from "transferring" the Plaintiff and from transferring Nation of Islam member Anthony Burton, AIS# 136983, who has and is assisting the Plaintiff with this Civil Litigation Complaint, until after the said Litigation has been completed or Resolved. The Court must be informed, adverse transfer's has al-
ways been a "retaliation" measure against any and all inmates that are known to bring a Complaint against the Limestone Administration; also advise the Defendant's that any measure of "retaliation" against any Member of the Nation of Islam will be a wrongful act.